<u>AFFIDAVIT</u>

My name is C.H. Forbus. I am a resident of Alabama. I am over the age of nineteen years. I have personal knowledge of the facts set forth below.

I was a police officer with the Montgomery Police Department on March 31, 2005. I was on patrol that evening, and I was the first to arrive on the scene at Arnaud's Quality Meats after K-9 Officer Gordon had been led away by suspects in a fleeing vehicle. When I arrived, I noticed that the window on the side of the building was opened, and that a flower pot had been knocked off the windowsill and had landed inside on the floor. I further noticed that there were three or four other items on the windowsill that appeared to have pushed off to one side to allow entry into the building, and that there was water inside on the floor.

Further Affiant sayeth not.

C.H. Forbus

Sworn to and subscribed before me on this the /2 th day of July, 2006.

My commission expires:

NOTARY PUBLIC STATE OF ALABAMA AT LARGE MY COMMISSION EXPIRES: Aug 31, 2008

Defendant's Exhibit